

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 247 - HB 959**

February 26, 2013

**SUMMARY OF BILL:** Authorizes Knox and Shelby Counties to increase, from \$1,000 to \$5,000, the maximum civil penalty for violation of a county ordinance and consider several factors when assessing such penalty; requires reasonable notice of the assessment of any penalty given to violators. Requires the county mayor to determine the procedure for appeal of the penalty. Requires all funds collected be deposited to the county general fund.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Revenue - Exceeds \$50,000/Permissive**

Assumptions:

- Pursuant to Tenn. Code Ann. §5-1-211(b), the Shelby County Commission is required to pass an ordinance by two-thirds majority vote to authorize any fine over \$50.
- Pursuant to Tenn. Code Ann. §5-1-211(i), persons charged with ordinance violations are tried in the general sessions court. The provisions of the bill would place this responsibility in the civil session court. Any expenditures or revenue associated with altering the court responsible would be a shift in local government funds from one court to another. The net impact to local government expenditures is estimated to be not significant.
- It is difficult to determine an accurate increase to local government revenue due to multiple unknown factors, including but not limited to, how many penalties are currently assessed by Knox and Shelby Counties for ordinance violations, the rate assessed on penalties under current law, any newly assessed penalty rate, and the collection rate of the assessed penalties. However, the permissive increase in revenue to Knox and Shelby Counties is reasonably estimated to exceed \$50,000 per year.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/jrh